



PATENT
Docket No. 400-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andrea F. Bell

Entitled: UTILITY APRON

Filed: July 28, 1997

Serial No.: 08/901,713

Group Art Unit: 3728

Examiner: J. Foster

Assistant Commissioner
for Patents
U.S. PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

DECLARATION OF GARY COHEN

I, GARY COHEN, being over the age of 21, hereby state and declare as follows:

1. I am a former Vice President of Home Town Advantage, which was a designer, importer and wholesale distributor of bucket and utility aprons. I have been actively involved in the field of bucket and utility aprons ^{from} ~~since~~ ^{to} ~~for~~ about ^{April of 1999.} ~~eight years.~~ ^{GAE}

2. I am currently Vice President of West Chester Holdings, Inc., an importer of work gloves.

3. Through my work and professional experience, I have had regular involvement with the design, selection, repair, maintenance, of and/or use of

utility aprons that have been on the market over the years, and I have had numerous occasions in which I have discussed utility aprons with consumers

of these products.

4. I am familiar with Andrea Bell. I originally became familiar with her in about April of 1997.

5. I also am generally familiar with the captioned patent application (Serial No. 08/901,713, hereinafter the "patent application"). I have reviewed that patent application, the Office Action dated May 4, 2000, and the patent documents cited by the patent examiner in that Office Action. I am generally familiar with the claims of the patent application as they are now pending, although I am not a patent attorney, nor am I trained in patent law. I have carefully reviewed each of the patent documents used by the examiner in rejecting the pending claims.

6. I also am familiar with Andrea Bell's commercial utility apron "ABC POCKETS"® (hereinafter the "Product"), which I believe to be covered by one or more of the pending claims of the patent application. I have been familiar with the Product since about January or February of 1997.

7. At present, I have no involvement with Ms. Bell, and I have no financial, ownership or other beneficial interest in her business, the Product, the invention sought to be patented, or the patent application itself.

8. The invention as presently claimed in the patent application has the advantage over prior utility aprons in that it includes openings that have resilient or stretchable rims at the top of the openings. This permits the pockets to securely retain items typically used in household or interior building cleaning, such as fluid bottles.

9. To my knowledge, prior to Ms. Bell's invention, many utility aprons were used primarily if not exclusively for holding and carrying tools. They were designed, for example, to hold such things as hammers, pliers, screw drivers, etc. Hometown Advantage also sold cleaning aprons in the 1993 time frame.

10. Ms. Bell was the first one, to my knowledge, to adapt a utility apron or a cleaning apron to put an elastic portion at the opening of the apron pockets.

11. I believe the present invention, as it is now claimed in the patent application, and as embodied in the Product, successfully solves this previously-unrecognized and unmet need. The resilient pocket opening holds and securely retains such items.

I declare under penalty of perjury that all statements made herein of my own knowledge are true and correct, and that all statements made herein upon information and belief are believed to be true and correct. I acknowledge that willful false statements and the like are punishable by fine or imprisonment or

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Date of Deposit: January 7, 2002

I hereby certify that the attached Declaration of Gary Cohen is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed Assistant Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Washington, D.C. 22202-0327.

Anne K. Hole